

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 838**

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**Introduced by Assembly Member Hill**

February 17, 2011

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~~An act to amend Section 5093.50 of the Public Resources Code, relating to natural resources.~~ *An act to add Chapter 5 (commencing with Section 71033) to Part 1 of Division 34 of the Public Resources Code, relating to environmental protection.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 838, as amended, Hill. ~~Natural resources: wild and scenic rivers.~~ *Environmental protection: permits: regulations.*

*(1) Existing law requires the Secretary for Environmental Protection to establish a process, to be used at the request of a permit applicant for a project that requires permits from 2 or more environmental agencies, for the designation of a consolidated permit agency for the project.*

*This bill would require the secretary to identify, prior to the adoption of policies, rules, or regulations by an environmental agency, as defined, whether the policies, rules, or regulations overlap, duplicate, or conflict with existing statutes, policies, rules, or regulations. The bill would require the secretary to establish an expedited conflict resolution process by which a petitioner or applicant may request resolution of conflicts that arise in the permitting process, as provided, if the petitioner or applicant demonstrates that a failure to resolve the conflict will result in pollution being transferred to other media or locations or prevent control of an existing source of pollution having significantly greater environmental or public health impacts. Because an*

environmental agency, which includes a local air pollution control or air quality management district, would be required to take a specific action, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes that it is the policy of the state that certain rivers that possess extraordinary scenic, recreational, fishery, or wildlife values shall be preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the state.~~

~~This bill would provide that this river preservation policy shall also be for the benefit and enjoyment of future generations.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 5 (commencing with Section 71033) is  
2     added to Part 1 of Division 34 of the Public Resources Code, to  
3     read:

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#### CHAPTER 5. POLICIES

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7     71033. (a) Prior to the adoption of policies, rules, or  
8     regulations by an environmental agency, the secretary shall identify  
9     whether the policies, rules, or regulations overlap, duplicate, or  
10    conflict with existing statutes, policies, rules, or regulations.

11    (b) The secretary shall establish an expedited conflict resolution  
12    process by which a petitioner or applicant may request resolution  
13    of conflicts that arise between the requirements for permits issued  
14    by two or more environmental agencies for a single project,  
15    between two or more offices of the same environmental agency,  
16    or by the same office of an environmental agency at two different  
17    times, if the petitioner or applicant demonstrates that a failure to  
18    resolve the conflict will result in pollution being transferred to  
19    other media or locations or prevent control of an existing source

1 of pollution having significantly greater environmental or public  
2 health impacts.

3 (c) This section does not weaken or undermine in any manner  
4 any human health, public or worker rights, public welfare,  
5 environmental, or other protection established under statute. This  
6 section does not affect the authority or requirement for an  
7 environmental agency to adopt regulations as provided by statute.

8 (d) For purposes of this section “environmental agency” means  
9 the Department of Toxic Substances Control, the Department of  
10 Pesticide Regulation, the State Air Resources Board, the State  
11 Water Resources Control Board, the Office of Environmental  
12 Health Hazard Assessment, a California regional water quality  
13 control board, and a district, as defined in Section 39025 of the  
14 Health and Safety Code.

15 SEC. 2. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 a local agency or school district has the authority to levy service  
18 charges, fees, or assessments sufficient to pay for the program or  
19 level of service mandated by this act, within the meaning of Section  
20 17556 of the Government Code.

21 ~~SECTION 1. Section 5093.50 of the Public Resources Code~~  
22 ~~is amended to read:~~

23 ~~5093.50. It is the policy of the State of California that certain~~  
24 ~~rivers that possess extraordinary scenic, recreational, fishery, or~~  
25 ~~wildlife values shall be preserved in their free-flowing state,~~  
26 ~~together with their immediate environments, for the benefit and~~  
27 ~~enjoyment of the people of the state and future generations. The~~  
28 ~~Legislature declares that such use of these rivers is the highest and~~  
29 ~~most beneficial use and is a reasonable and beneficial use of water~~  
30 ~~within the meaning of Section 2 of Article X of the California~~  
31 ~~Constitution. It is the purpose of this chapter to create a California~~  
32 ~~Wild and Scenic Rivers System to be administered in accordance~~  
33 ~~with the provisions of this chapter.~~